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/ID NO: 16)) and a nested internal primer (ACTAATGTCAAACACGTACCTCTG (SEQ ID NO: 21)) of the MP-52 sequence. The final reamplification products were blunt end cloned in a vector (Bluescript SK, Stratagene #212206) restricted with EcoRV. Clones were characterized by their sequence overlap to the DNA of  $\lambda$  2.7.4.--

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**SEQUENCE LISTING:**

Please substitute the originally filed Sequence Listing for this application with the revised Sequence Listing attached herewith.

**REMARKS**

The Notice to File Missing Parts of October 5, 2001 has been received and carefully reviewed, and the foregoing amendments to the specification and the Sequence Listing along with the comments set forth below are a complete response thereto.

By this Response, the specification has been amended to include the sequence identifiers for the respective nucleotide sequences and primers listed on pages 4, 5, 15, 17, 18 and 19. No new matter has been added.

**I. Missing Statutory Filing Fee**

**A. Missing filing fee**

The Office Action states that a non-small entity statutory filing fee of \$760 is missing for the application.

Applicants submit that when the application was originally filed on August 25, 1999, that an application filing fee (\$994.00; check no. 20576) was included with the transmittal papers. As record proof, Applicants are enclosing a date-stamped filing receipt from August 25, 1999 (Attachment 1) listing the check as an enclosure.

As further substantiating proof that not only was the check timely filed by Applicants, but received and cashed by the USPTO, Applicants are enclosing a copy of the cleared check (Attachment 2; check no. 20576) along with a copy of a bank statement (Attachment 3) obtained from the accounting department of Counsel's firm. Careful review of the bank statement reveals that check no. 20576 in the amount of \$994.00 was cleared on September 1, 1999. Contrary to the Office Action, the USPTO was in receipt of the check as well as being fully reimbursed for the non-small entity statutory filing fee (\$760.00) at least as of September 1, 1999. On the basis of the foregoing facts, Counsel submits that submission of a second statutory filing fee would be unjustified and unduly burdensome to the Applicants.

Accordingly, no statutory filing fee need be filed in reply to the Office Action.

#### **B. Excess Claim Fee**

The Office Action states that an excess claim fee of \$234 for non-small entity status is missing for the application.

Counsel submits that in view of the record proof that the USPTO was reimbursed in the amount of \$994.00 for the originally filed application, that the amount received included the excess claim fee of \$234 ( $\$994 - \$760 = \$234$ ).

Accordingly, no excess claim fee need be filed in reply to the Office Action.

**C. Balance Due**

The Office Action states that the balance due is \$1124.00.

Counsel submits that in view of the foregoing comments, the balance due is \$130.00 (\$1124- \$994= \$130).

**II. Sequence Listing Requirements**

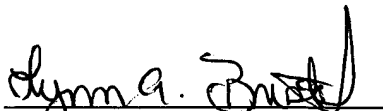
A revised Sequence Listing, a computer readable diskette and a Statement under 37 C.F.R. §1.825 are enclosed herewith. Applicants direct the Examiner's attention to the Statement under 37 CFR 1.825 for a description of those revisions made to the revised Sequence Listing. No new matter has been added.

If any other issues should arise, the Office is invited to contact Applicants' Counsel at her below listed Washington, D.C. telephone number.

In the event that this paper is not considered timely filed, Applicants hereby petition for an appropriate extension of time. If necessary, please charge any additional amounts or credit any overpayments to Direct Deposit Account Number 01-2300.

Respectfully Submitted,

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC



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